



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

September 17, 2021

By ECF

Honorable David N. Hurd
United States District Judge
Alexander Pirnie Federal Bldg. and U.S. Courthouse
10 Broad Street
Utica, New York 13501

Re: *Dr. A., et al., v. Hochul, et al.*, 21-CV-1009 (DNH)(ML)

Dear Judge Hurd:

This office represents Defendants Governor Kathy Hochul, sued in her official capacity, Commissioner of the Department of Health Howard A. Zucker, sued in his official capacity, and Attorney General Letitia James, sued in her official capacity. As directed by the Court's September 14, 2021 Order [Dkt. No. 7], I write to advise the Court that (1) Defendants oppose Plaintiffs' request for a preliminary injunction and intend to submit opposition papers to Plaintiffs' motion for a preliminary injunction before Wednesday, September 22, 2021 at 5:00p.m.; and (2) Defendants do not oppose Plaintiffs' request to proceed pseudonymously, provided that this does not bar the defendants from obtaining the plaintiffs' identities if needed during discovery.

Additionally, Defendants respectfully request that the oral argument on Plaintiffs' motion for a preliminary injunction be rescheduled from September 28, 2021 to September 24, 2021, so that Defendants may fully present their positions to the Court in advance of September 27, 2021, the effective date of the challenged regulation. Counsel for Plaintiffs object to this request. Thank you for your consideration of this request.

Respectfully submitted,

s/ Ryan W. Hickey

Ryan W. Hickey
Assistant Attorney General
(518) 776-2616
Ryan.Hickey@ag.ny.gov

cc: All counsel of record (via ECF)